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BLACK'S LAW DICTIONARY

Definitions of the Terms and Phrases of
American and English Jurisprudence,
Ancient and Modern

By

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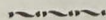
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Prosecutio legis est gravis vexatio, executio legis coronat opus /pròsakyúwsh(iy)ow líyjās èst grávās vekséysh(iy)ow, èksakyúwsh(iy)ow líyjās kàrównat ówpəs/. Litigation is vexatious, but an execution crowns the work.

Prosecution. A criminal action; a proceeding instituted and carried on by due course of law, before a competent tribunal, for the purpose of determining the guilt or innocence of a person charged with crime. U. S. v. Reisinger, 128 U.S. 398, 9 S.Ct. 99, 32 L.Ed. 480. The continuous following up, through instrumentalities created by law, of a person accused of a public offense with a steady and fixed purpose of reaching a judicial determination of the guilt or innocence of the accused.

By an extension of its meaning, "prosecution" is also used to designate the government (state or federal) as the party proceeding in a criminal action, or the prosecutor, or counsel; as when we speak of "the evidence adduced by the prosecution."

The term is also used respecting civil litigation, and includes every step in action, from its commencement to its final determination. The Brazil, C.C.A.Ill., 134 F.2d 929, 930.

The Fifth Amendment, U.S.Const., requires that all prosecutions for infamous *federal* crimes (*i.e.* federal offenses carrying a term of imprisonment in excess of one year) be commenced by grand jury indictment. This requirement, however, does not apply to *state* prosecutions for such crimes, which may be prosecuted on the basis of an information. Hurtado v. California, 110 U.S. 516, 4 S.Ct. 111, 28 L.Ed.2d 232.

Malicious prosecution. See that title.

Prosecutor. One who prosecutes another for a crime in the name of the government. One who instigates a prosecution by making affidavit charging a named person with the commission of a penal offense on which a warrant is issued or an indictment or information is based. One who instigates the prosecution upon which an accused is arrested or who prefers an accusation against the party whom he suspects to be guilty. A "prosecutor" is one who takes charge of case and performs function of trial lawyer for the people, as does a district attorney. People v. Pohl, 47 Ill.App.2d 232, 197 N.E.2d 759, 764. See also **Prosecuting attorney.**

CHARGE ACCOUNT

/chæntri/. A church or chapel endowed with for the maintenance of priests to say Mass daily for the souls of the donors.

A place of worship; a lesser or inferior one, sometimes a part of or subordinate to another church.

/of ease. In English ecclesiastical law, a chapel in aid of original church for parishioners who fixed their residence at some distance.

Private chapels. Chapels owned by private persons, used by themselves and their families.

Private chapels. In English law, those belonging to private persons who have purchased or erected with a view to profit or otherwise.

Chapels. In English law, chapels founded later than the church for parishioners who fixed their residence at a distance; and chapels so circumstanced described as "chapels of ease."

/chæpəlri/. The precinct and limits of a parish. The same thing to a chapel as a parish is to a church.

/chæp(ə)tər/. In English law, a summary of facts to be inquired of or presented before justices of the peace, justices of assize, or of the peace, in their sessions. Also articles delivered by the justice in his sessions to the inquest.

A clergyman officially attached to a unit of religious services, or to some public institution, for the purpose of performing religious services.

An itinerant vendor of small wares. A peddler who trades from place to place.

In England, a body of dignitaries called canons attached to a cathedral church and presided over by the dean. This body constitutes the council of the cathedral in both spiritual and temporal affairs. Also, a branch of a society or fraternity.

The aggregate of the moral qualities which distinguish an individual person; the result of the one's distinguishing attributes, moral predisposition or habit, or aggregate of qualities, which is believed to attach to a person, on the strength of the common opinion and reputation concerning him. A person's fixed disposition or tendency, as evidenced to others by his habits or through the manifestation of which his general character for the possession of a character, good or bad, is obtained. The estimate attached to an individual or thing in the community. The opinion usually entertained of a person derived from the report of the people who are acquainted with him. Although "character" and "reputation" are often used synonymously, the terms are distinguishable. "Character" is what a man is, and "reputation" is what he is supposed to be in what people think of him. "Character" depends on attributes possessed by the person, and "reputation" on attributes which others believe him to possess. The former signifies reality, the latter merely what is accepted to be reality at a given time. See **Bad character**; **Good character**; **Reputation**.

or division to which claim belongs.

Character and habit. The moral traits of a person gleaned from his habitual conduct. *People v. Coleman*, 19 Mich.App. 250, 172 N.W.2d 512.

Character evidence. Evidence of person's moral standing in community based on reputation.

Admissibility of character evidence in federal trials is governed by Fed.Evid. Rules 404 and 405, and with respect to witnesses by Rules 607-609.

Characterization. In conflicts, the classification, qualification, and interpretation of laws applicable to a case. Restatement, Second, Conflicts, § 7.

Charge, v. To impose a burden, duty, obligation, or lien; to create a claim against property; to assess; to demand; to accuse; to instruct a jury on matters of law. To impose a tax, duty, or trust. In commercial transactions, to bill or invoice; to purchase on credit. In criminal law, to indict or formally accuse.

Charge, n. An incumbrance, lien, or claim; a burden or load; an obligation or duty; a liability; an accusation. A person or thing committed to the care of another. The price of, or rate for, something. See also **Charged**; **Charges**; **Floating charge**; **Rate**; **Surcharge**.

Charge to jury. The final address by judge to jury before verdict, in which he sums up the case, and instructs jury as to the rules of law which apply to its various issues, and which they must observe. The term also applies to the address of court to grand jury, in which the latter are instructed as to their duties. See also **Jury instructions**.

General charge. The charge or instruction of the court to the jury upon the case, as a whole, or upon its general features and characteristics.

Special charge. A charge or instruction given by the court to the jury, upon some particular point or question involved in the case, and usually in response to counsel's request for such instruction.

Criminal law. Accusation of a crime by a formal complaint, information or indictment.

Public charge. An indigent. A person whom it is necessary to support at public expense by reason of poverty alone or illness and poverty.

Chargeable. This word, in its ordinary acceptation, as applicable to the imposition of a duty or burden, signifies capable of being charged, subject to be charged, liable to be charged, or proper to be charged.

Charge account. System of purchasing goods and services on credit, under which customer agrees to settle or make payments on his balance within a specified time or periodically.

Revolving charge account. An arrangement between a seller and a buyer pursuant to which: (1) the seller may permit the buyer to purchase goods or services on credit either from the seller or pursuant to a seller credit card, (2) the unpaid balances of amounts financed arising from purchases and the credit service and other appropriate charges are debited to an account, (3) a credit service charge if made is not precomputed but is computed on the outstanding unpaid balances of the buyer's account from time to

CHARGE ACCOUNT

time, and (4) the buyer has the privilege of paying the balances in installments. Uniform Consumer Credit Code, § 2.108.

Charge and discharge. Under former equity practice, in taking an account before a master, a written statement of items for which plaintiff asked credit and a counterstatement, exhibiting claims or demands defendant held against plaintiff.

Charged. Accusation of crime by complaint, indictment, or information. With respect to "notice", a person is charged with such if he has information sufficient to apprise him of the subject, e.g. under land recording acts, a person is charged with notice of a lien or attachment if it is on record.

Charge des affaires, or charge d'affaires /shàrzhéy deyz afér(z)/°dàfér(z)/. The title of a diplomatic representative of inferior rank. In re Baiz, 135 U.S. 403, 10 S.Ct. 854, 34 L.Ed. 222.

Charge-off. Anything manifesting intent to eliminate an item from assets. Write-off of asset or other item, e.g. uncollectible account receivable or debt. To treat as a loss or expense an amount originally recorded as an asset; usually the term is used when the charge is not in accord with original expectations. See **Bad debt**.

Charges. The expenses which have been incurred, or disbursements made, in connection with a contract, suit, or business transaction. See also **Charge; Costs; Fee; Fixed charges**.

Charge-sheet. A record kept at a police station to receive the names of the persons brought and given custody, the nature of the accusation, and the

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